

Remarks

This amendment is in response to the Office Action mailed on December 20, 2005. Applicant gratefully acknowledges the indication of allowable subject matter in claims 16, 18, 19, and 23-25. In this amendment, paragraph [0029] and claims 1, 4, 13, 16, 17, 20-22, and 26-28 are being amended and claim 15 is being canceled. In view of the above amendment and following remarks, allowance of claims 1-14 and 16-37 is respectfully requested.

In the Office Action, the drawings were objected to for failing to show a triangular shape and cross section of the pin (element 48) as described in the specification. Applicant respectfully directs the Examiner's attention to Fig. 3 which shows a triangular pin 48 received in a triangular pin slot 40. The triangular pin 48 shown in Fig. 3 clearly has a triangular cross section. Accordingly, withdrawal of the objection to the drawings is respectfully requested.

In the Office Action, the disclosure is objected to because the drawings fail to show a pin formed in the upper block surface, as recited on line 5, page 8 of Applicant's disclosure. Paragraph [0029] is being amended to correctly recite a pin slot 40 formed in the upper block surface, as shown in the drawings. Accordingly, withdrawal of the objection to the disclosure is respectfully requested.

In the Office Action, claims 1, 4, 13, 15, and 17 were rejected under 35 U.S.C. 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter Applicant regards as his invention. Claim 15 is being cancelled, and claims 1, 4, 13, and 17 are being amended to overcome this rejection. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 1, 4, 13, 15, and 17 under 35 U.S.C. 112, second paragraph.

In the Office Action, claims 1-8, 10, 12-15, 17, 20-22, and 26-33 were rejected under 35 U.S.C. 102(b) for being anticipated by McDonald et al. (U.S. Pat. No. 6,912,823). McDonald et al. discloses a block suitable for forming a block wall. The block disclosed in McDonald et al. includes cylindrical pin slots formed in an upper block surface for receiving cylindrical pins.

Claims 1 and 28 are being amended to recite "at least one of said pin slots having a planar side substantially parallel with said reference plane for orientating a planar outwardly facing surface of a pin received in said at least one pin slot to engage said planar outwardly facing

surface of the pin with an inner wall of a block placed on said upper block surface." This subject matter is found in paragraphs [0029]-[0034] of Applicant's disclosure. McDonald et al. does not disclose or suggest a pin slot having a planar side.

Roe (U.S. Pat. No. 2,392,551) does disclose a pin slot having a planar side. However, the planar sides of the pin slots are not substantially parallel with a reference plane spaced from the front and rear walls of the block and extending between the of side walls of the block, as required in amended claims 1 and 28. As a result, the pin slot disclosed in Roe cannot orient a planar outwardly facing surface of a pin received in the pin slot to engage the planar outwardly facing surface of the pin with an inner wall of a block placed on the upper block surface, as recited in amended claims 1 and 28.

Claims 2-8, 10, 12-13, and 29-33 depend from one of claims 1 and 28, which Applicant believes are allowable. Claim 15 is being cancelled and claims 17, 20-22, 26, and 27 are being amended to depend from claim 16, which is indicated to contain allowable subject matter. Accordingly withdrawal of the rejection of claims 1-8, 10, 12-15, 17, 20-22, and 26-33 under 35 U.S.C. 102(b) for being anticipated by McDonald et al. is respectfully requested.

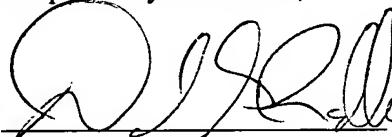
In the Office Action, claims 9-11, 34, and 36 were rejected under 35 U.S.C. 103(a) for being unpatentable over McDonald et al. in view of Roe. As discussed above, claims 1 and 28 are being amended to recite "at least one of said pin slots having a planar side substantially parallel with said reference plane for orientating a planar outwardly facing surface of a pin received in said at least one pin slot to engage said planar outwardly facing surface of the pin with an inner wall of a block placed on said upper block surface." McDonald and Roe do not disclose or suggest this limitation either individually, or in combination. Claims 9-11, 34, and 36 depend from one of claims 1 and 28, which Applicant believes are allowable. Accordingly withdrawal of the rejection of claims 9-11, 34, and 36 under 35 U.S.C. 103(a) for being unpatentable over McDonald et al. in view of Roe is respectfully requested.

In the Office Action, claims 16, 18, 19, and 23-25 were objected to for being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 16 is being rewritten in

independent form including all of the limitations of the base claim and any intervening claims. Claims 18, 19, and 23-25 depend from claim 16. Accordingly, the objection to claims 16, 18, 19, and 23-25 is respectfully requested.

Paragraph [0029] and claims 1, 4, 13, 16, 17, 20-22, and 26-28 are being amended and claim 15 is being canceled. In view of the above amendment and remarks, Applicant respectfully requests allowance of claims 1-14 and 16-36. No additional fees for filing this response are believed to be due. However, if such fees are due, the Commissioner is hereby authorized to charge them to deposit account no. 17-0055.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daniel G. Radler', written over a horizontal line.

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